

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Kyle Richards,

Plaintiff,

v.

Case No. 12-14148

Ken McKee, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

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**ORDER**

**ACCEPTING AND ADOPTING TWO REPORTS & RECOMMENDATIONS**

Acting *pro se*, Michigan state prisoner Plaintiff Kyle Richards (“Plaintiff”) filed this lawsuit against multiple defendants alleging violations of 42 U.S.C. § 1983 and state law. On January 25, 2013, this Court referred pretrial proceedings in this matter to Magistrate Judge Laurie Michelson.

The matter is currently before the Court on two Reports and Recommendations issued by Magistrate Judge Michelson: 1) a Report and Recommendation issued on August 19, 2013 (Docket Entry No. 47); and 2) a Report and Recommendation issued on September 5, 2013 (Docket Entry No. 48).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall

make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made." *Id.*

**I. The August 19, 2013 Report and Recommendation**

No party has filed any objections to the magistrate judge's Report and Recommendation issued on August 19, 2013. The Court therefore ORDERS that this Report and Recommendation is ADOPTED AND ACCEPTED by this Court and DISMISSES AS MOOT Plaintiff's Motion for Waiver of Administrative Exhaustion/Exemption from Exhaustion.

**II. The September 5, 2013 Report and Recommendation**

On September 5, 2013, Magistrate Judge Michelson issued a Report and Recommendation wherein she recommends that this Court deny Plaintiff's Motion for Summary Judgment as to Defendant Scott Campau as premature because discovery is still ongoing in this matter.

On September 19, 2013, Plaintiff filed objections to that Report and Recommendation. (Docket Entry No. 49).

Having considered Plaintiff's objections, the Court finds them without merit. The Court therefore OVERRULES Plaintiff's objections.

The Court hereby ADOPTS Magistrate Judge Michelson's September 5, 2013 Report and Recommendation and DENIES AS PREMATURE Plaintiff's Motion for Summary Judgment as

to Defendant Scott Campau.

IT IS SO ORDERED.

Dated: October 29, 2013

S/ Sean F. Cox  
Sean F. Cox  
U. S. District Court Judge

I hereby certify that on October 29, 2013, the foregoing document was served upon counsel of record by electronic means and upon Kyle Richards by First Class Mail at the address below:

Kyle Richards 641715  
Bellamy Creek Correctional Facility  
1727 West Bluewater Highway  
Ionia, MI 48846

Dated: October 29, 2013

S/ J. McCoy  
Case Manager